

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,
For the Use and Benefit of
BORDER DEMOLITION &
ENVIRONMENTAL, INC.,

Plaintiff,

v.

Case No. 1:19-cv-00549 LF/GBW

G.W.C. CONSTRUCTION, INC.,
J.E. DUNN CONSTRUCTION COMPANY,
FEDERAL INSURANCE COMPANY,
TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA, AND
HARTFORD FIRE INSURANCE COMPANY,

Defendants.

JOINT STIPULATION OF DISMISSAL WITH PREJUDICE

All parties to this matter hereby stipulate as follows:

1. On September 11, 2020, a settlement agreement was reached of the various claims presented by all parties in the above-styled matter. The agreement reached included stipulating to a dismissal of this action with prejudice with each party bearing its own costs and attorneys' fees once all the parties had in fact performed their respective obligations under the settlement agreement.

2. All parties have agreed that a dismissal of this action is appropriate. The parties have fully performed as set forth in the settlement agreement by and between the parties. Therefore, pursuant to Rule 41(a)(1)(A)(i) and (ii) of the Federal Rules of Civil Procedure, the

October 21, 2020

Case No. 1:19-cv-00549 LF/GBW
Joint Stipulation of Dismissal with Prejudice

parties hereby stipulate and agree to dismiss the above-styled and numbered lawsuit with prejudice.

3. Accordingly, the parties hereby jointly move the Court to issue an order dismissing with prejudice, the claims and defenses presented by all parties in the above-styled matter and that each party bear its own costs and attorneys' fees.

Date: October 21, 2020

MILLER STRATVERT P.A.

By /s/ Todd A. Schwarz

Todd A. Schwarz
Samantha E. Kelly
Post Office Box 25687
Albuquerque, NM 87125-0687
Telephone: (505) 842-1950
Facsimile: (505) 243-4408
tschwarz@mstlaw.com
skelly@mstlaw.com

*Attorneys for J.E. Dunn Construction
Company, Federal Insurance Company,
Travelers Casualty and Surety Company of
America and Hartford Fire Insurance
Company*

CALVERT MENICUCCI

By: /s/ Sean R. Calvert

Sean R. Calvert
8900 Washington St. NE, Ste. A
Albuquerque, NM 87113
Telephone: (505) 247-9100
Attorney for G.W.C. Construction

BAILEY & BAILEY, P.C.

By /s/ Christopher G. Burwell

Christopher G. Burwell
230 Pereida St.
San Antonio, TX 78210
Telephone: (210) 225-7747
cburwell@baileyandbaileypc.com

By /s/ K. Stephen Royce

K. Stephen Royce
Cuddy & McCarthy, LLP
201 Third St. NW, Suite 1300
Albuquerque, NM 87102
sroyce@cuddymccarthy.com

Attorneys for Plaintiff

October 21, 2020

Case No. 1:19-cv-00549 LF/GBW
Joint Stipulation of Dismissal with Prejudice

CERTIFICATE OF SERVICE

I hereby certify that on October 21, 2020, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

MILLER STRATVERT P.A.

Todd A. Schwarz
Samantha E. Kelly
Post Office Box 25687
Albuquerque, NM 87125-0687
Telephone: (505) 842-1950
tschwarz@mstlaw.com
skelly@mstlaw.com

*Attorneys for J.E. Dunn Construction
Company, Federal Insurance Company,
Travelers Casualty and Surety Company of
America and Hartford Fire Insurance
Company*

CALVERT MENICUCCI

Sean R. Calvert
8900 Washington St. NE, Ste. A
Albuquerque, NM 87113
Telephone: (505) 247-9100
scalvert@hardhatlaw.net

Attorney for G.W.C. Construction

K. Stephen Royce

Cuddy & McCarthy, LLP
201 Third St. NW, Suite 1300
Albuquerque, NM 87102
sroyce@cuddymccarthy.com

Attorneys for Plaintiff

/s/ Christopher G. Burwell